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COUNSEL FOR PLAINTIFFS

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ADAM JOSHUA FEELEY; HEATHER MITTS;
BRENT CELEK; and KEVIN CURTIS

Plaintiffs,

v.

SUNTRUST BANK, INC; MARTIN KELLY
CAPITAL MANAGEMENT, LLC; WILLIAM
CRAFTON, JR.; CSI CAPITAL MANAGEMENT,
INC; John Does 1-50

Defendants.

Civil Action No. 2012-cv-04522

PLAINTIFFS' MOTION TO CONFIRM ARBITRATION AWARD

Plaintiffs, by and through their undersigned counsel, respectfully submit motion to confirm the arbitration award and enter Judgment against SunTrust Bank.

1. On February 19, 2013 this Honorable Court entered an order compelling this matter to arbitration before the American Arbitration Association.
2. The parties then entered into a Submission to Arbitration Agreement dated June 4, 2013
3. A three member panel conducted a full hearing in Philadelphia from July 9th through July 18, 2014 which hearing was transcribed by a certified court reporter.

4. The Panel ordered the parties submit the hearing transcripts and all admitted exhibits by August 20, 2014 and a decision was to be rendered by the Panel within thirty (30) days thereafter.

5. On September 18, 2014 the Panel having heard the matter, reviewed all the transcripts and exhibits and considered all the arguments, pre-hearing briefs and submission of the parties entered an award against SunTrust bank, jointly and severally with Martin Kelly Management as follows:

1. Judgment for Plaintiff Adam Feeley in the amount of **\$1,985,534.30** plus pre-award simple interest of 7% from November 9, 2012; and
2. Judgment for Plaintiff Kevin Curtis in the amount of **\$3,384,680.87** plus pre-award simple interest of 7% from November 9, 2012; and
3. Judgment for Plaintiff Heather Mitts in the amount of **\$255,000** plus pre-award simple interest of 7% from November 9, 2012; and
4. Judgment for Plaintiff Brent Celek in the amount of **\$50,000.00** plus pre-award simple interest of 7% from November 9, 2012; and
5. Simple annual interest at the rate of 7% will accrue on any unpaid balance of amounts awarded herein from October 1, 2014 forward.
6. The administrative fee of the American Arbitration Association totaling \$15,400 are to be borne as incurred by the parties.
7. The compensation and expenses of the arbitrators' totaling \$137,432.90 are to be borne equally by the parties. Therefore, Martin Kelly Capital management, LLC has to pay Claimants (Plaintiffs herein) an amount of \$22,905.50 and has MKCM has to pay SunTrust Bank, Inc. an amount of \$22,905.46.

A true and correct copy of the award is attached as **Exhibit A.**

6. Plaintiffs hereby demand judgment be entered in their favor and against SunTrust Bank in the amount of **\$8,493,575.67**, which amount is the aggregate award plus interest through September 9, 2014.

Respectfully submitted,

BY: _____

Andrew M. Smith, Esquire

EXHIBIT A

AMERICAN ARBITRATION ASSOCIATION
Commercial Arbitration Tribunal

In the Matter of the Arbitration between

Case Number 14-20-1300-0770

Adam Joshua Feeley, Heather Mitts, Brent Celek,
Kevin Curtis and Jason Eugene Terry
Represented by Andrew Smith of Smithbridge, LLP (Claimants)

-vs-
SunTrust Bank, Inc. and John Does 1-50
Represented by Frederick Schriels of GrayRobinson, PA (Respondents)

-vs-
Martin Kelly Capital Management, LLC,
and William Crafton, Jr.

AWARD OF ARBITRATORS

WE, THE UNDERSIGNED ARBITRATORS, having been designated in accordance with the Submission to Arbitration Agreement entered into by the above-named parties, dated June 4, 2013 and a court order dated February 19, 2013, and although Martin Kelly Capital Management, LLC, and William Crafton, Jr. having filed for bankruptcy, the panel is informed by James Grady, Esquire, counsel for Martin Kelly Capital Management, LLC, it is no longer in bankruptcy and the automatic stay as to Martin Kelly Capital Management, LLC is lifted; and although it declined to participate in the arbitration the panel finds it has jurisdiction to enter this award; and William Crafton, Jr. remains in bankruptcy; and having been sworn and having heard the proofs and allegations of the parties, hereby AWARD as follows:

1. Find in favor of Claimant Jason Eugene Terry against Respondents SunTrust Bank, Inc. and Martin Kelly Capital Management, LLC, jointly and severally and award Jason Eugene Terry \$1,825,182.66 plus pre-award simple annual interest of 7% from November 9, 2012.
2. Find in favor of Claimant Adam Joshua Feeley against Respondents SunTrust Bank, Inc. and Martin Kelly Capital Management, LLC, jointly and severally and award Adam Joshua Feeley \$1,985,534.30 plus pre-award simple annual interest of 7% from November 9, 2012.
3. Find in favor of Claimant Kevin Curtis against Respondents SunTrust Bank, Inc. and Martin Kelly Capital Management, LLC, jointly and severally and award Kevin Curtis \$3,384,680.87 plus pre-award simple annual interest of 7% from November 9, 2012.
4. Find in favor of Claimant Heather Mitts against Respondents SunTrust Bank, Inc. and Martin Kelly Capital Management, LLC, jointly and severally and award Heather Mitts \$255,000.00 plus pre-award simple annual interest of 7% from November 9, 2012.
5. Find in favor of Claimant Brent Celek against Respondents SunTrust Bank, Inc. and Martin Kelly Capital Management, LLC, jointly and severally and award Brent Celek \$50,000.00 plus pre-award simple annual interest of 7% from November 9, 2012.
6. Simple annual interest at the rate of 7% will accrue on any unpaid portions of amounts awarded herein from October 1, 2014 forward.
7. The administrative fees of the American Arbitration Association totaling \$15,400 are to be borne as incurred by the parties.
8. The compensation and expenses of the arbitrators totaling \$137,432.90 are to be borne equally by the parties. Therefore, Martin Kelly Capital Management, LLC, has to pay Claimants an amount of \$22,905.50 and Martin Kelly Capital Management, LLC, has to pay Respondent SunTrust Bank, Inc. an amount of \$22,905.46.

This Award is in full settlement of all claims and counterclaims submitted to this Arbitration. All claims not expressly granted herein are hereby denied.

This Award may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute together one and the same instrument.

9/18/14
Date


Hon. Gene D. Cohen

Date

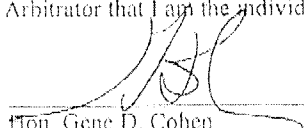
Irene C. Warshauer

Date

John H. Wilkinson

I, Gene D. Cohen, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument which is my Award.

9/18/14
Date


Hon. Gene D. Cohen

I, Irene C. Warshauer do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument which is my Award.

Date


Irene C. Warshauer

I, John H. Wilkinson, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument which is my Award.

Date

John H. Wilkinson

9/18/14
Date


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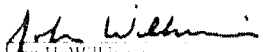
Date _____ Hon. Gene D. Cohen

I, Irene C. Warshauer do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument which is my Award.

Date _____ Irene C. Warshauer

I, John H. Wilkinson, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument which is my Award.

9/18/14
Date


John H. Wilkinson

9/17/14
Date

Irene C. Warshauer
Irene C. Warshauer

Date

John H. Wilkinson

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Date

Hon. Gene D. Cohen

I, Irene C. Warshauer do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument which is my Award

9/17/18
Date

Irene C. Warshauer
Irene C. Warshauer

I, John H. Wilkinson, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument which is my Award.

Date

John H. Wilkinson

CERTIFICATE OF SERVICE

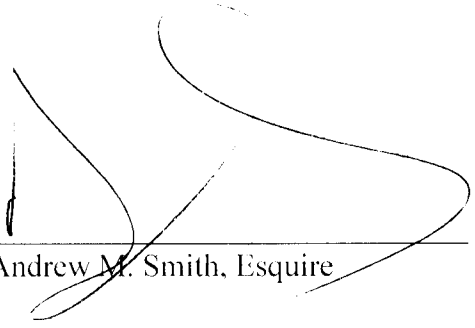
I, Andrew Smith, certify that the within document was filed with the Clerk of the U.S. District Court via, ECF, on this 22th day of September, 2014 and copies of the within motion were served on counsel for the Defendants, via eef and regular mail as follows:

Defendant SunTrust Bank:

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Defendants Martin Kelly and Crafton:

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Andrew M. Smith, Esquire